

### REMARKS

Favorable reconsideration of this Application as presently amended and in light of the following discussion is respectfully requested.

Claims 41-43 and 48-68 are pending in the present Application, Claims 41, 48, 53, 55, 60, 62, 67, and 68 having been amended. Support for the amendments to Claims 41, 48, 53, 55, 60, 62, 67, and 68 is found, for example, at page 30, line 1 to page 31, line 12, and page 50, line 13 to page 52, line 18. Applicants respectfully submit that no new matter is added.

In the outstanding Office Action, Claims 41-43 and 48-68 were rejected under 35 U.S.C. § 103 as being unpatentable over Bieganski et al. (U.S. Patent No. 6,412,012, hereinafter Bieganski) in view of Medina et al. (U.S. Patent No. 6,959,288, hereinafter Medina).

With respect to the rejection of Claim 41 as unpatentable over Bieganski and Medina, Applicants respectfully submit that the amendment to Claim 1 overcomes this ground of rejection. Amended Claim 1 recites, *inter alia*, “the computing unit receiving the filtering criteria of the at least two filtering data sets, wherein the filtering criteria of the at least two filtering data sets is generated by a user operating the information processor.” Bieganski and Medina, taken alone or in proper combination, do not disclose or suggest these features of amended Claim 41.

By way of explanation, Claim 1 is amended to clarify that the filtering criteria is generated by the user operating the information processor. Furthermore, “define” is replaced with “generate.” Support for “generate” is found on page 52, line 13, of the originally filed specification. “Generate” does not correspond to a mere modification in a recommendation result of Bieganski. Rather, “generate,” in the context of the above-noted claim element, indicates that the filtering criteria is generated by the user operating the information processor.

Bieganski does not disclose or suggest the claimed “the computing unit receiving the filtering criteria of the at least two filtering data sets, wherein the filtering criteria of the at least two filtering data sets is generated by a user operating the information processor.” The collaborative filtering in Bieganski is not generated by a user operating the information processor.

Page 2 of the outstanding Office Action takes the position that the device in Bieganski’s Fig. 1 corresponds to the claimed “information processor.” Thus, it is the user operating the device in Fig. 1 of Bieganski that the amended Claim 1 language refers to. However, user of the device shown in Fig. 1 of Bieganski does not generate the collaborative filtering.

Recommendation set (201) is a set of items recommended to a user.<sup>1</sup> These recommendations may be provided by an **outside source** or “generated automatically using...collaborative filtering.”<sup>2</sup> The recommendations are not generated by the user of the device shown in Fig. 1 of Bieganski. Rather, the user of the device shown in Fig. 1 of Bieganski receives the recommendation. The outside source in Bieganski does not include the user of the device shown in Fig. 1. As understood when considering Bieganski as a whole, outside source includes other customers and vendors.

In Bieganski the collaborative filtering uses the opinions of multiple users (which are not users operating the device shown in Fig. 1 of Bieganski) to create the recommendations.<sup>3</sup> This does not equate to the claimed “the computing unit receiving the filtering criteria of the at least two filtering data sets, wherein the filtering criteria of the at least two filtering data sets is generated by a user operating the information processor.” In the invention defined by Claim 41, the user of the information processor generates the filtering criteria. Receiving

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<sup>1</sup> Bieganski, col. 5, lines 49-50.

<sup>2</sup> Bieganski, col. 7, lines 46-50.

<sup>3</sup> Bieganski, col. 6, lines 4-6.

recommendations from outside sources and collaborative filtering based on the recommendations of others does not equate to a user of the information processor generating the filtering criteria.

Fig. 11 of Bieganski illustrates another embodiment in which user 1102 uses computer 1101 to obtain a recommendation. The user 1102 does not generate the filtering criteria used by the system shown in Fig. 11.

Thus, Bieganski does not disclose or suggest the claimed “the computing unit receiving the filtering criteria of the at least two filtering data sets, wherein the filtering criteria of the at least two filtering data sets is generated by a user operating the information processor.”

Medina does not cure the above-noted deficiencies in Bieganski.

Medina describes a secure digital content electronic distribution system. The control of content usage is enabled through an end user application (195) running on an end user device. To this end, electronic digital content storage (103) is provided to market content (113) through a wide variety of services or applications.<sup>4</sup> The electronic digital content storage (103) may employ tools provided by the secure digital content electronic distribution system (100), such as retail business offers, purchase price, pay per lesson price, copy authorization, and target device types, or time-availability restrictions.<sup>5</sup>

Medina does not disclose or suggest the claimed “the computing unit receiving the filtering criteria of the at least two filtering data sets, wherein the filtering criteria of the at least two filtering data sets is generated by a user operating the information processor.”

Thus, as Bieganski and Medina each fail to disclose or suggest the claimed “the computing unit receiving the filtering criteria of the at least two filtering data sets, wherein

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<sup>4</sup> Medina at column 10, lines 29-35; column 12, lines 53-56.

<sup>5</sup> Medina at column 13, lines 1-9.

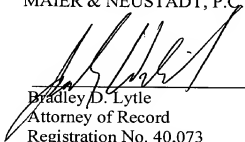
the filtering criteria of the at least two filtering data sets is generated by a user operating the information processor," Applicants respectfully submit that a person of ordinary skill in the art could not properly combine Bieganski and Medina to arrive at the invention defined by Claim 41.

In view of the above-noted distinctions, Applicants respectfully submit that Claim 41 (and any claims dependent thereon) patentably distinguish over Bieganski and Medina, taken alone or in proper combination. Amended Claims 48, 53, 55, 60, 62, 67, and 68 recite elements similar to those of amended Claim 41. Thus, Applicants respectfully submit that Claims 48, 53, 55, 60, 62, 67, and 68 patentably distinguish over Bieganski and Medina, taken alone or in proper combination, for at least the reasons stated for Claim 41.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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